



Department of Economic Security

Information Technology Standards

Title: 1-38-0035 DES E-mail Use Policy

Subject: This policy defines parameters for the proper use, preservation, disclosure and disposition of electronic mail within DES.

Effective Date:

01/09/02

Revision:

1.21

1. **Summary of Policy Changes - Initial Implementation**

- 1.1. 02/07/02 – Added language defining and forbidding “instant messaging”, per a request from the ITSP Advisory Board.
- 1.2. 06/04/03 – Results of an annual review. No changes were implemented.

2. **Purpose**

- 2.1. This document addresses policy concerning the use, preservation, disclosure and disposition of electronic mail within DES, with special emphasis on records-related issues.

3. **Scope**

- 3.1. This policy applies to all DES administrative elements, divisions and programs, boards and commissions.
- 3.2. This policy applies to all authorized DES E-mail users, defined as every DES employee, contractor, temporary staff member, or any other person with DES management’s approval to access DES computing systems.
- 3.3. This policy applies to all electronic mail systems in use within DES. These mail systems reside in many environments including mainframe computers, mid-range computers, LANs, WANs, intranets, and the Internet.

4. **Responsibilities**

- 4.1. The DES Director, Deputy Directors, Associate Directors, and Assistant Directors are responsible for enforcing this policy.
- 4.2. The DES Director or his designee, is responsible for:
 - 4.2.1. Creating and distributing E-mail records retention policies and procedures appropriate to DES’ business needs.
 - 4.2.2. Training and assisting users in the management of agency records.
 - 4.2.3. Providing the technological means for implementing those policies and procedures.
 - 4.2.4. Providing the means enforcing the policies and procedures.
- 4.3. The DES CIO is responsible for implementing, supporting, and maintaining appropriate hardware, software, staff, and infrastructure to support adherence to this policy.
- 4.4. The DES Division of Technology Services is responsible for implementing any automated systems resulting from this policy and monitoring DES compliance, in so far as they are directed to do so by the DES CIO..
- 4.5. E-mail Users are responsible for following all DES E-mail policies and procedures. Users are responsible for managing E-mail messages and for properly identifying, classifying, retaining, and disposing of messages, consistent with records management laws and policies.
5. The DES Managers and Supervisors are responsible for monitoring compliance and acceptable use.

6. Definitions and Abbreviations

6.1. Definitions

- 6.1.1. **Record** - As used in this policy, record is defined in A.R.S. 41-1350.
- 6.1.2. **Formal E-mail** – E-mail of any kind that is transmitted or received pertaining to public business, which must be preserved as a record of an official act or policy (i.e., evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government). A.R.S. 41-1350.
- 6.1.3. **E-mail User** - As used in this policy, E-mail User refers to a DES employee, contract employee or other DES-authorized person who accesses E-mail through the use of state/DES owned/controlled computer equipment.
- 6.1.4. **Instant Messaging** – A type of communications service that enables an individual to create a private “chat room” with another individual. Instant messaging (sometimes called IM or Iming) differs from ordinary e-mail in the immediacy of the message exchange.

6.2. Abbreviations and Acronyms

- 6.2.1. **ARS** - Arizona Revised Statutes
- 6.2.2. **CIO** - Chief Information Officer
- 6.2.3. **DES** - Department of Economic Security
- 6.2.4. **DTS** - Division of Technology Services
- 6.2.5. **E-mail** - Short for **Electronic mail**, the transmission of messages over communications networks.
- 6.2.6. **ET** - DES Executive Team
- 6.2.7. **GITA** - Arizona Government Information Technology Agency
- 6.2.8. **LAN** - Local Area Network
- 6.2.9. **WAN** - Wide Area Network

6. POLICY

- 6.1. **General Policy Statement** – The purpose of E-mail is to provide expeditious communication among agency employees, state employees, and others outside state government, generally similar to conversation or voice mail. E-mail may be used to facilitate routine matters such as scheduling meetings and conference calls, notification of legal and policy issues to be resolved in more formal communication, requests for information, directives to complete tasks, and notification of employees’ schedules and whereabouts.
 - 6.1.1. Creation of a **transitory message** in E-mail and creation of a **record**, are entirely different matters for records retention and deletion.
 - 6.1.2. Privileged documents (e.g., confidential information, executive privileged communication, privileged work product, attorney-client privileged communications) may only be created or transmitted in compliance with all relevant DES policies regarding privileged and confidential communication.
 - 6.1.3. The use of any variant of Instant Messaging is expressly forbidden by this Policy.
- 6.2. **Use of E-mail** -E-mail is a communications tool that is provided to state employees for performance of their duties. Its use should be managed by rules of conduct applicable to information technology resources, as defined in 1-38-0029, the DES Information Technology (IT) and Office Equipment and Resources Acceptable Use Policy.

6.3. Security

- 6.3.1. **E-mail is not secure.** E-mail transmitted inside DES is more secure than E-mail transmitted to state agencies on the Multiple Agency Network (MAGNET), and far more secure than E-mail transmitted via the Internet.
- 6.3.2. DES may establish additional levels of security. This may range from password protection to authentication and encryption.

6.4. No Privacy in E-mail

- 6.4.1. Employees using E-mail shall have no expectation of privacy related to the use of this technology.

6.5. Ownership - Property of DES and the State of Arizona

- 6.5.1. Agency E-mail systems are the property of DES and the State of Arizona. All messages created in the system belong to the State, not employees, vendors or customers.
- 6.5.2. E-mail is an information technology/computer service and is the property of DES and the State. DES reserves the right to monitor E-mail use by any user at any time.

6.6. Guidelines for Use of E-mail

- 6.6.1. E-mail communications shall be professional in content, appropriate to a government agency, in compliance with DES and statewide policy, and consistent with other DES policies and procedures.
- 6.6.2. DES work rules governing use of State property, record keeping and communications with others apply to the use of E-mail. Users should never send an E-mail communication they would not feel comfortable communicating face-to-face or over the phone.
- 6.6.3. No E-mail communications shall be created or sent that might constitute discriminatory, harassing, intimidating, hostile or offensive communications on the basis of gender, race, color, national origin, sexual orientation, disability, or other grounds.
- 6.6.4. Employees shall not read the E-mail of another employee without a legitimate business purpose consistent with DES's policies and business communications practice.
- 6.6.5. No employee shall send E-mail under another person's name without that person's authorization, and the sender shall indicate their identity in the message.
- 6.6.6. Employees shall follow all security policies of DES.

6.7. E-mail Records Retention and Disposition - E-mail communications shall be preserved pursuant to this policy, DES Records Retention and Disposition Schedule and the State schedule for E-mail.

- 6.7.1. Employees who transmit or receive E-mail shall determine whether to preserve or delete the E-mail communication, as follows:
 - 6.7.1.1. Routine E-mail, communications of a transitory value may be deleted after being read and after the required action is taken.

6.7.1.2. Formal e-mail, communication that meets the definition of a record under A.R.S §41-1350, transmitted inside DES, or received from outside DES, through the E-mail system, shall be printed and preserved in the appropriate file, in permanent paper format **or** preserved, unedited, in the E-mail system without printing.

With every communication that qualifies as a record under A.R.S. § 41-1350 the sender shall ensure that the following are all either printed out, and preserved in the hard copy file, **or** preserved in an electronic archive:

- a. the time and date the message was sent and received;
- b. the complete sender and receiver identification, and;
- c. the complete message,

6.7.1.3. Communications subject to an existing public records request, or to formal discovery in ongoing litigation, will be preserved in the appropriate file or the E-mail system.

6.7.2 E-mail systems, will be backed up regularly. DES guidelines for E-mail data back-ups and deletion are incorporated into this policy. The E-mail data backup will be deleted pursuant to the Department of Library, Archives and Public Records' approved Records Disposition Schedule for DES.

6.7.3 Periodic record of E-mail system address books and distribution lists will be retained pursuant to the Department of Library, Archives and Public Records' approved Records Disposition Schedule for DES.

6.8. E-mail Training

6.8.1 DES shall regularly provide all employees with education regarding E-mail use policies.

6.8.2. New employees shall not be granted access to the E-mail system until they have read this Policy and acknowledged that they understand and will comply with the Policy.

6.8.3. New employees must receive E-mail use training and DES record retention training within the first 30 days of employment. This training may be of any form determined to be suitable by the new employee's division.

6.9. Regulation & Enforcement – The DES Director (or his designee) shall be responsible for DES compliance with the provisions of this policy and for investigating suspected non-compliance.

6.9.1 **Consent** – All state employees with access to the E-mail must acknowledge and consent that all network activity is the property of the State of Arizona, and therefore should not consider any E-mail activity to be private.

Anyone with E-mail access, must acknowledge and consent to state possession of, and access to, all network activity. A sample consent form is attached to this policy as **Attachment –A**

6.9.2 **Consequences** – Violation of this policy will be treated as a security incident and will be subject to disciplinary action up to and including termination of employment and criminal prosecution according to A.R.S., Department of Administration policies, DES policies, and other rules and policies, as appropriate.

7. Implications

- 7.1. This policy replaces *DES Electronic Mail Policy, DES-1-01-13.A*.
- 7.2. There will be substantial costs associated with implementing the back-up, retention, and training activities defined in this policy.

8. Implementation Strategy

- 8.1. All DES divisions and programs shall comply with this policy.

9. References

- 9.1. DES 1-38-0021 E-mail Standard
- 9.2. DES 1-38-0015 Internet Use Policy
- 9.3. DES 1-38-0029 Acceptable Use Policy
- 9.4. A.R.S. 39-121.01(B) Copies, Printouts or Photographs of Public Records
- 9.5. A.R.S. 41-1347 Preservation of Public Records
- 9.6. A.R.S. 41-1350 Definition of Records
- 9.7. A.R.S. 41-3501 Definitions

10. Attachments

- 10.2. Attachment A. - Sample Consent Form (From GITA)

11. Associated Government Information Technology Agency IT Standards or Policies

- 11.2. None

Attachment A. – Sample E-mail Use Policy CONSENT FORM

This form's purpose and language was integrated into the J-129, DES User Affirmation Statement, which every DES employee signs.

I, _____, have read and understand the DES E-mail Use Policy. I agree to comply with all terms and conditions of this policy.

I understand and agree that all network and information systems activity, conducted with state/agency resources, is the property of the Department of Economic Security (DES) and the State of Arizona.

I understand that DES reserves the right to monitor and log all network activity, including E-mail, with or without notice. I have no expectation of privacy in the use of these resources.

Signed: _____

Date: _____

LIABILITY

DES makes no warranties of any kind, whether express or implied, for the use of the E-mail system or electronic information resources. Additionally, DES is not responsible for any damages, whatsoever, that employees may suffer arising from or are related to use of E-mail or electronic information resources.